IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 55 of 2006

In

WRIT PETITION NO. 4805 of 2005

Rayat Shikshan Sanstha and Anr .. Appellants

V/s

Shri Anbil Yashwant Sutar and Ors..Respondents

Shri R.V.More for Appellants

None for the Respondents

CORAM:R.M.S.KHANDEPARKAR

AND S.R.SATHE,JJ.

DATED:17th April 2006

P.C.:-

1. Heard.

2. The Appellants challenge the order dated 23-2-2005 passed by the learned Single Judge in Writ Petition No.4805 of 2005. By the impugned order the writ petition filed by the Appellants has been dismissed. Undisputedly record disclosed that employee was not appointed in a sanctioned post nor the appointment of the employee was approved by the Government and therefore, the question of reimbursement of the salary

to the employee does not arise. It is also recorded in the impugned order that earlier Petitioner had conceded in earlier writ petition that Government cannot be saddled with such liability as a matter of right to the Petitioner society, and therefore, the Petitioner was allowed to make necessary representation to the Government.

3. The Government on due consideration of the representation, has approved the appointment of the employee with effect from 11-9-2002 and therefore has allowed reimbursement of salary from the said date.

4. Considering the law on the point, no fault can be found with the said order of the Government and for the same reason no illegality or impropriety is disclosed in the impugned order nor it discloses any jurisdictional error so as to warrant interference in this appeal. Hence the appeal is summarily rejected.

(R.M.S.KHANDEPARKAR,J.)

(S.R.SATHE,J.)